

36 334

AGREEMENT

Made this 20th day of May 2002, by and between P & R Restaurant, Inc., T/A BOMBAY CAFE (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park and Forest Hills (the "ANC" or "ANC 3F").

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Regulation Administration is Applicant's application for renewal of a Retailer's Class "CR" liquor license for the premises known as 4221 Connecticut Avenue, N.W., Application Number 36334; and

WHEREAS, both Applicant and the ANC (the "parties") desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall operate a bona fide restaurant on its premises.
2. The restaurant shall have a maximum of 75 seats inside for the exclusive use of dining patrons. Alcoholic beverages will be served in conjunction with full meal service.
3. The bar/lounge shall have a maximum of 5 seats for the primary use of patrons waiting for dining service, patrons waiting to be joined by other patrons and patrons waiting for carryout food service.
4. Applicant's hours of operation will be 11 a.m. to 11 p.m., Monday through Sunday.
5. Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant. Applicant will not provide take-out alcoholic beverages.
6. Applicant plans to offer take-out food service, but will not offer delivery service and will not have delivery trucks.
7. Applicant shall present no form of live entertainment. Applicant shall be permitted to present recorded music inside the restaurant as soft background music for dining; provided, however, that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant. Applicant shall permit no form of dancing.
8. Applicant shall not install or utilize any equipment for the showing of videos or video games or juke boxes.
9. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than the sign permitted by zoning above its establishment. Applicant will post no signs advertising liquor sales, happy hours, or the like.
10. Applicant will care for the public spaces that border the restaurant on Connecticut Avenue, including provision of suitable plantings.
11. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Applicant shall ensure that its trash is removed in a timely manner. Applicant shall ensure that its trash receptacle remain closed and free of vermin at all times. Applicant will limit noise after closing when disposing of trash and bottles in the receptacles.
12. Applicant shall instruct all of its vendors, and shall itself remain vigilant to ensure that delivery and trash trucks shall not block any access to any other loading dock, driveway or entrance, and in deference to the residential community, applicant shall not allow any delivery vehicles to use loud horns or make deliveries before 8:00 a.m., Monday through Friday, nor prior to 9:00 a.m. Saturday and Sunday.

Bombay Cafe

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13. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odors.
14. Applicant shall comply with §5(d)(3) of the D.C. Noise Control Act as it applies to businesses next to residential neighborhoods and ensure that noise from all mechanical equipment (air-conditioning, refrigerator, heat pump, fan, or other mechanical equipment regardless of location) shall be prohibited in excess of sixty (60) dB (A) when measured at the property line or as close to the property line as practical if there is an obstruction.
15. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
16. Any and all contemplated changes to Applicant's operation, as set forth herein or otherwise, will be brought to the attention of the ANC prior to implementation, and only after ANC and, when required by rules and regulations, ABC Board approval.
17. In consideration or, and in reliance upon, the commitments reflected in paragraphs 1 through 16 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Retailer's Class "CR" license.
18. The parties further agree that any failure of Applicant to adhere to the foregoing commitments will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause to gain the Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

APPLICANT, P & R RESTAURANT, INC.
T/A BOMBAY CAFE

By: _____

(Signature)

Name: _____

(Print)

Title: _____

ADVISORY NEIGHBORHOOD
COMMISSION 3F

By: _____

(Signature)

Name: _____

(Print)

Title: _____

ANC 3F



Advisory Neighborhood Commission 3F NORTH CLEVELAND PARK / FOREST HILLS

3F01 - Phil Kogan
3F02 - Karen L. Perry
3F03 - Robert V. Maudlin
3F04 - David J. Bardin
3F05 - Doug Mitchell
3F06 - Cathy Wiss
3F07 - Todd Strauss

FAX COVER SHEET

TO: Alcoholic Beverage Regulation Administration

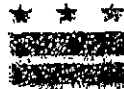
FROM: Cathy Wiss
Chair, ANC 3F

SUBJECT: P & R Restaurant, T/A Bombardier
Application No. 36334

DATE: May 24, 2002

*Approved
5/29*

ANC 3F



Advisory Neighborhood Commission 3F NORTH CLEVELAND PARK / FOREST HILLS

3F01 - Phil Kogan
3F02 - Karen L. Perry
3F03 - Robert V. Maudlin
3F04 - David J. Bardin
3F05 - Doug Mitchell
3F06 - Cathy Wiss
3F07 - Todd Strauss

May 23, 2002

Mr. Roderick Woodson, Chairman
Alcoholic Beverage Regulation Administration
Room 7200
941 North Capitol Street, NE
Washington, D.C. 20002

Re: License Renewal, Application No. 36334

Dear Mr. Woodson:

Advisory Neighborhood Commission 3F, on the basis of the attached voluntary agreement, voted not to object to the renewal of a Class "CR" license for P & R Restaurant, Inc., T/A Bombay Cafe, 4221 Connecticut Avenue, N.W., Washington, D.C.

ANC 3F adopted the motion by a vote of 6-0-0, with a quorum present, at a duly noticed public meeting on May 20, 2002.

Sincerely,

Catherine J. Wiss
Chair, ANC 3F

Attachment

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

P & R Restaurant, Inc.
t/a Bombay Cafe

Application for a Retailer's Class
CR License (renewal)
at premises
4221 Connecticut Avenue, N.W.
Washington, D.C.

Application no. 36334
2002-104

Cathy Wiss, Chairperson, on behalf of the Advisory Neighborhood Commission 3F, and
Domingo D'Costa, on behalf of the Applicant, Signatories

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppenheimer, Esquire, Member
Audrey Thompson, Member

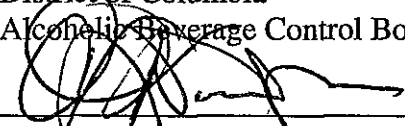
ORDER ON VOLUNTARY AGREEMENT

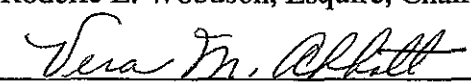
This matter came before the Board for approval on May 29, 2002. The signatories to the attached voluntary agreement dated May 20, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 19th day of June 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

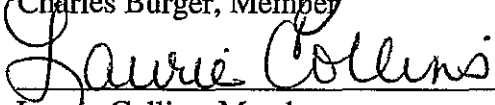
P & R Restaurant, Inc.
t/a Bombay Café
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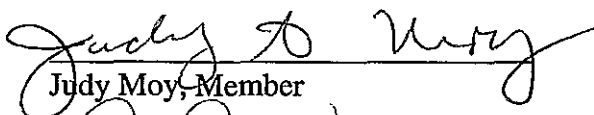
District of Columbia
Alcoholic Beverage Control Board

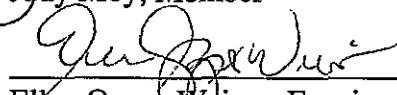

Roderic L. Woodson, Esquire, Chair

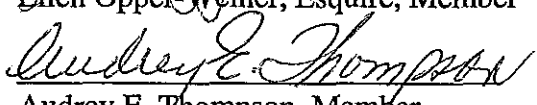

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Oppen-Weiner, Esquire, Member


Audrey E. Thompson, Member